

DETAILED ACTION

Applicant's amendment filed on January 11, 2008 is acknowledged and has been entered. Claims 1, 4, 14, 32 have been amended. Claims 2, 6-10, 18-31 have been canceled. Claims 1, 3-5, 11-17, 32-40 are pending.

Claims 1, 3-5, 11-17, 32-40 are discussed in this Office action.

Previous Rejections

The previous rejections of claims 1, 5-6, 11-18 and 32-40 under 35 U.S.C. 112, first paragraph and of claims 6 and 14-17 under 35 U.S.C. 102 as being anticipated are withdrawn in view of Applicant's amendments or cancellation of the claims.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Hinsch on March 13, 2008.

Please amend the claims as follows:

In claim 11, line 1, replace --A-- with --an isolated--.

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In claim 14, line 1, replace --diagnosing a subject with diabetes or a susceptibility for diabetes-- with --detecting a polynucleotide in a subject--.

In claim 32, line 2, between 'into' and 'cell', replace --a-- with --an isolated--.

Cancel claims 35-38.

Reasons for Allowance

Claims 1, 3-5, 11-17, 32-34 and 39-40 are allowed.

The following is an examiner's statement of reasons for allowance: There are no prior art references that teach an isolated nucleic acid encoding a polypeptide comprising SEQ ID NO:2, or a nucleic acid comprising SEQ ID NO:1. Regarding the nucleic acid of SEQ ID NO:1, the closest reference, Collins et al. (PNAS, 2002, vol. 99, no. 26, p. 16899-16903) was published after the filing date of the priority document, which provides support for SEQ ID NO:1 and 2. Regarding a nucleic acid encoding SEQ ID NO:2, the closest reference, Carnici et al. (Methods Enzymol. 1999, vol. 303, p. 19-44) does not disclose or encode a sequence that comprises the full length of SEQ ID NO:2.

The isolated nucleic acid of claim 4, encodes a polypeptide comprising the domains recited, which are also present in SEQ ID NO:2, including a proline/glutamine rich domain, an RFX DNA binding domain (SEQ ID NO:4), an RFX B domain (SEQ ID NO:5), an RFX-C domain (SEQ ID NO:6), a dimerization domain (SEQ ID NO:7) and a serine threonine domain. There is no teaching in the prior art of a nucleic acid encoding a polypeptide comprising these specific components together, which are also present in the polypeptide comprising SEQ ID NO:2, and therefore the claims are free of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE K. MUMMERT whose telephone number is (571)272-8503. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephanie K. Mummert/
Patent Examiner
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/Gary Benzion/
Supervisory Patent Examiner, Art Unit 1637